

# **EXHIBIT 26**

**Gladys S. Fenichel, MD  
210 Kent Road  
Ardmore, PA 19003  
FenichelMD@FenichelMD.com  
(610) 649-8940  
FAX (610) 649-5071**

September 25, 2019

Elisa P. McEnroe  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

**RE: MONIQUE RUSSELL ET AL V. EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES  
NUMBER: 2:18-cv-05629**

**ELSA POWELL  
MONIQUE RUSSELL  
DESIRE EVANS  
JASMINE RIGGINS**

Dear Ms. McEnroe:

I had the opportunity to see the above-named plaintiffs for individual psychiatric evaluations, and I have written four individual reports regarding Ms. Powell, Ms. Russell, Ms. Evans, and Ms. Riggins.

Ms. Powell, Ms. Russell, Ms. Evans, and Ms. Riggins had healthy babies delivered by Dr. Akoda, and each woman has a personal story regarding the Complaint that includes unique personal histories, stressors, and circumstances. The women apparently share a belief that Dr. Akoda was a “fake doctor” without certification to work as a doctor. It is my opinion that none of the women has a psychiatric disorder or disability related to the allegations in the Complaint. Ms. Powell denied a history of psychiatric or psychological treatment. Ms. Powell has a happy family, a good job, and positive plans for her future. Ms. Russell acknowledged that she was not hurt by Dr. Akoda, but she has felt a responsibility to “stand up for women who were subjected to trauma.” Ms. Russell has a personal history of [REDACTED], but she did not seek any mental health treatment in relation to her childbirth experience with Dr. Akoda. Ms. Russell also has a good job, a healthy son, a strong marriage, and plans for her future. Ms. Riggins said that she did not have any problems with the treatment provided by Dr. Akoda during her pregnancy and that the care she received from Dr. Akoda was no different from the treatment from the doctors who delivered her two other children. Ms. Riggins denied a history of any mental health treatment and denied any plan to see a psychiatrist or a psychologist.

RE: Powell, Russell, Evans, Riggins  
Page 2

Ms. Evans has a different personal history in regard to psychiatric/psychological treatment; however, Ms. Evans does not have a psychiatric disorder related to the allegations in the Complaint. Ms. Evans said that she is under the impression that Dr. Akoda may not have been a doctor. She said she does not know if he is a doctor, or if he has any certification. It is my opinion that Ms. Evans' reported concerns about Dr. Akoda in relation to the Complaint would not cause her to experience a psychiatric disorder or an exacerbation of her documented psychiatric disorder of major depression.

It is my opinion the four individuals that I saw for four independent psychiatric evaluations presented four different personal histories about their medical experiences with Dr. Akoda. It is my opinion the facts and circumstances surrounding each plaintiff presented unique and individualized situations. It is my opinion that it is not possible to determine through common evidence or analysis that the plaintiffs' varied medical experiences with Dr. Akoda caused any alleged emotional distress. Rather it is my opinion that individualized assessments are necessary to determine whether any particular plaintiff suffers from emotional distress and/or whether such emotional distress is related to the allegations in the Complaint, medical experiences with Dr. Akoda, or conduct by the Educational Commission for Foreign Medical Graduates.

My hourly rate for non-testimonial services is \$450/hour. My hourly rate for deposition testimony is \$1,000/hour, with a minimum payment of \$2,000. My rate for court testimony is \$5,000 and expenses. I have attached a copy of my CV and a list of cases in which I have testified from June 2014 to June 2019.

The opinions noted in this letter and the attached reports have been stated within a reasonable degree of medical certainty.

Sincerely,



Gladys S. Fenichel, MD

**CURRICULUM VITAE**

**January 2019**

**Gladys Susan Fenichel, M.D., M.A.**

Office Address: 210 Kent Road  
Ardmore, PA 19003

Phone Number: 610 649-8940

Fax Number: 610 649-5071

Education: 1970-1972 Brandeis University  
1972-1973 B.A. University of Pennsylvania  
1974-1978 M.D. Temple University  
1981-1983 M.A. Sociology  
University of Pennsylvania

**Postgraduate Training and Fellowship Appointments:**

1978-1979 Resident in Medicine, Temple University Hospital  
1979-1982 Resident in Psychiatry, Hospital of the University of Pennsylvania  
1981-1983 Robert Wood Johnson Foundation Clinical Scholars Program - V.A. Scholar

**Faculty Appointments - University of Pennsylvania:**

7/1/79 3/1/83 Assistant Instructor in Psychiatry  
4/1/83 6/30/85 Clinical Associate in Psychiatry  
7/1/85- 6/30/99 Clinical Assistant Professor, Psychiatry  
7/1/99 Clinical Associate Professor, Psychiatry

**Specialty Certification:**

1983 American Board of Psychiatry and Neurology

**Licensure:** Pennsylvania MD-023493E

**Hospital Affiliation:** Hospital of the University of Pennsylvania  
Bryn Mawr Hospital 1986 - 1995

**Memberships in Professional and Scientific Societies:**

American Psychiatric Association

**Major Teaching and Clinical Responsibilities at the University of Pennsylvania:**

1. Preceptor Medicine 100: The Doctor-Patient Relationship
2. Preceptor Medicine 200: Psychiatric Interview
3. Provision of out-patient treatment to HUP house staff
4. Preceptor

**By Invitation:**

American Board of Psychiatry and Neurology, Part II Examiner  
1997-2002.

**Bibliography:**

**Original Papers:**

Fenichel GS, Murphy JB: Factors that predict psychiatric consultation in the Emergency Department. Medical Care 23: 235-265;1985.

Hunt DD, Fenichel GS, Baker V, Featherstone JH: Contrasts in the Professional Identities of Psychiatrists and Internists. J Med Ed 59:894-899;1984.

Murphy JG, Fenichel GS, Jacobson S: Psychiatry in the emergency department: factors affecting treatment and disposition. American Journal of Emergency Medicine 2:309-314;1984.

**Abstracts:**

Fenichel GS, Murphy JG, Wigton RS, Schwartz JS:  
Results of physician decision-making using conjoint analysis compared to decision-making in actual practice. Society for Medical Decision Making, November 1984.

Fenichel GS, Murphy JG: Factors that predict psychiatric consultation in the emergency department. Robert Wood Johnson Clinical Scholars Program, November 1983.

Fenichel GS: Clinical scholarship and examples from the social sciences: sociology in medicine. Robert Wood Johnson Clinical Scholars Program, November 1983.

**Reviews:**

Fenichel, GS: Why Psychiatry Is A Branch of Medicine. Samuel Guze.  
Oxford University Press, Annals of Internal Medicine, 119:864; 1993.

**Gladys S. Fenichel, MD**  
**210 Kent Road**  
**Ardmore PA 19003**  
**FenichelMD@FenichelMD.com**  
**(610) 649-8940**  
**FAX (610) 649-5071**

Testimony June 2014-June 2019

ClaimantLast	ClaimantFirst	ApptDate	RefCompany	DefAtty	ClaimNo
Strohl	Mark A.	6/17/14	Inservco - Self Insured Accounts	The Chartwell Law Offices	400P024372
Harrison	Barbara	8/28/14	Amtrust Group	Naulty, Scaricamazza & McDevitt, LLC	110-111-11568
Jastrzebski	Brandy	9/2/14	Travelers Insurance Company	Cipriani & Werner PC	EUS9739
Kellett	Chester	9/4/14	AmeriHealth Casualty	Greenbaum & Pinto Law Offices	11104501
Moyer	Bruce	9/8/14	Inservco - Commonwealth of Pennsylvania	Swartz Campbell	400W012695
Allen	Jaudon	10/6/14	Cottingham & Butler Claims Services, Inc.	The Chartwell Law Offices	FFIWC1037942
Reyes	Ana	10/9/14	Faegre Baker Daniels	Faegre Baker Daniels	
Reyes	Ana	10/9/14	Faegre Baker Daniels	Faegre Baker Daniels	
Shearer	Robert	10/20/14	Inservco - Self Insured Accounts	Lavery Law	245HBG0043
Koch	Sanjuana	11/17/14	Inservco - Commonwealth of Pennsylvania	Goldfein & Joseph	400W024729
Soto	Rogue	11/25/14	ESIS	Fallon Van Horn LLC	C395C7166522
Lavigna	Lawrence	12/10/14	Occupational Resource Specialists	Metz Lewis, LLC	10010618533
Kolody	Melissa	12/12/14	PMA Insurance Group	Sand & Saidel	W000363521
Fall	Linnell	1/8/15	AmeriHealth Casualty	Marshall, Dennehey, Warner, Coleman & Goggin	3751141746
Floyd	Shamina S.	1/16/15	Inservco - Self Insured Accounts	Sand & Saidel	4000009760
Agostine	John	1/30/15	ACS Claims Services	Office of Chief Counsel	UEG1-7994
Perez	Nancy	2/5/15	AmeriHealth Casualty	Holsten & Associates	10011360175
Alexander	Aaron	3/4/15	AIG	Haddix and Associates	555-126185
Rowen	Heather	3/25/15	The Chartwell Law Offices	The Chartwell Law Offices	2620002252
Crowers	Beverly	3/31/15	Inservco - Self Insured Accounts	Goldfein & Joseph	400W057837
Fandino	Neyla	4/1/15	Inservco - Commonwealth of Pennsylvania	Swartz Campbell	4000001200
Bredell-Ross	Loretta	5/12/15	AVI Risk Services, LLC	Hill Wallack LLP	079094830
Rein	Jeffrey	6/4/15	Weber Gallagher Simpson Stapleton Fires & Newby	Weber Gallagher Simpson Stapleton Fires & Newby	186518019-001
Pivariunas- Ciocco	Patricia	6/23/15	PMA Insurance Group	DelCollo & Mazzanti, LLC	910529072

Payne	Coreen	8/6/15	AmeriHealth Casualty	Carpenter, McCadden & Lane, LLP	3061135180
Edwards	John	8/26/15	Swartz Campbell	Swartz Campbell	007197-096149
Hampton	Shara	9/17/15	Inservco - Self Insured Accounts	The Chartwell Law Offices	4000015889
Gillen	Frank	9/21/15	WorkPartners	Raffaele Puppio LLP	PTCCONV45020130006567
Polk	Rachel	10/14/15	Inservco - Commonwealth of Pennsylvania	Sand & Saidel	400W001221
White	Colette	11/18/15	AVI Risk Services, LLC	Weber Gallagher Simpson Stapleton Fires & Newby	079091055
Johnson-Bryant	Dawn	12/4/15	Inservco - Self Insured Accounts	Naulty, Scaricamazza & McDevitt, LLC	3230019225
Alcis	Yolette	3/2/16	Hill Wallack LLP	Hill Wallack LLP	301-424620260001
Tucker	Fyresta	3/3/16	Carpenter, McCadden & Lane, LLP	Carpenter, McCadden & Lane, LLP	YLT77953C
Zelesnick	George	3/10/16	Liberty Mutual Insurance Company	Weber Gallagher Simpson Stapleton Fires & Newby	22231786
Beach	Laura	5/3/16	Weber Gallagher Simpson Stapleton Fires & Newby	Weber Gallagher Simpson Stapleton Fires & Newby	C494 C 277695 0
Bartolomei	Lois	5/12/16	Weber Gallagher Simpson Stapleton Fires & Newby	Weber Gallagher Simpson Stapleton Fires & Newby	1850272546
Pride	Dolores	5/24/16	Cipriani & Werner PC	Cipriani & Werner PC	011502-007882-wc-01
Vicenty	Carlos	6/7/16	AIG	The Chartwell Law Offices	710-952067
Jeffries	James	8/17/16	WorkPartners	Weber Gallagher Simpson Stapleton Fires & Newby	PTC2014029063
Dean	Cameron	8/23/16	LeClair Ryan	LeClair Ryan	103283WC2014
Glasser	Victoria	9/15/16	ESIS	Law Office of Michael W. Simon, III	9716 395 545259 0
Spencer	Arif	10/6/16	Inservco - Self Insured Accounts	J P Mascaro & Sons	2800002024
Trotta	Michael	12/6/16	Inservco - Commonwealth of Pennsylvania	Goldfein & Joseph	4000011529
Cloak	Rosemary	12/7/16	AmeriHealth Casualty	Kent & McBride, PC	3751131412
Sones	Karen	12/14/16	Inservco - Commonwealth of Pennsylvania	Dethlefs Pykosh & Murphy	400W036355
Bernardo	Anthony	1/11/17	Inservco - Commonwealth of Pennsylvania	Dethlefs Pykosh & Murphy	4000007409
Power	Thomas J	1/26/17	AVI Risk Services, LLC	Sand & Saidel	035097105
Paolini	Barbara Anne	3/22/17	The Chartwell Law Offices	The Chartwell Law Offices	1850283678
Vasquez	Evelyn	5/31/17	AVI Risk Services, LLC	Grim, Biehn & Thatcher	068099115
Kneisley	Kevin	9/7/17	DelCollo & Mazzanti, LLC	DelCollo & Mazzanti, LLC	2011106961
Perez	Moises	9/12/17	Connors O'Dell, LLP	Connors O'Dell, LLP	WC390C71411
Rumer	Teri	10/11/17	GENEX Services, LLC	Zirulnik, Sherlock & DeMille	21250019
Shuff	Allison	10/18/17	Lavery Law	Lavery Law	2450002125
Foley	Christine	10/19/17	MES Solutions	Carpenter, McCadden & Lane, LLP	007197109342WC01
Nyankon	Samuel	11/1/17	PMA Insurance Group	Weber Gallagher Simpson Stapleton Fires & Newby	W00742203
Heil	Gail	12/11/17	Rulis & Bochicchio	Rulis & Bochicchio	201230000077

McCoy (Henderson)	Tasha	1/23/18	Inservco - Commonwealth of Pennsylvania	Goldfein & Joseph	4000023131
Bruno	Angelique	2/13/18	DelCollo & Mazzanti, LLC	DelCollo & Mazzanti, LLC	W001025476
Tipton	Deborah	2/14/18	Carpenter, McCadden & Lane, LLP	Carpenter, McCadden & Lane, LLP	201701710
Spriggs	Mark	3/12/18	Connors O'Dell, LLP	Connors O'Dell, LLP	006852-000004-WC-06
Pierce	Christopher L.	3/13/18	Cipriani & Werner PC	Cipriani & Werner PC	003938-004049-WC-01
Slone	Autumn	4/19/18	Inservco - Commonwealth of Pennsylvania	Goldfein & Joseph	4000021231
Rimmer	Cassandra	5/15/18	AmeriHealth Casualty	Swartz Campbell	4051160237247
Polk	Rachel	6/13/18	Inservco - Commonwealth of Pennsylvania	Sand & Saidel	400W001221
Diaz	Carmen	6/20/18	Cipriani & Werner PC	Cipriani & Werner PC	188494312
Somerville	Cassandra	9/11/18	Gallagher Bassett Services, Inc	Sherry Law Firm, PC	005485010243WC01
Fofi	David	11/14/18	Amtrust Group	McCormick Law Firm	0901160005826
Wright	Nashia	11/26/18	Inservco - Self Insured Accounts	J P Mascaro & Sons	2800002217
Bresko	Robert	12/12/18	Connors O'Dell, LLP	Connors O'Dell, LLP	002601-002031-WC-01
Williams	Nsegah	12/17/18	Inservco - Self Insured Accounts	Carpenter, McCadden & Lane, LLP	3230023286
Palmer	Nicole	1/9/19	Inservco - Commonwealth of Pennsylvania	The Chartwell Law Offices	4000013590
Lynch	Leticia	4/4/19	Cipriani & Werner PC	Cipriani & Werner PC	17D27F203170
Travaline	Margaret	5/20/19	Schaff & Young, PC	Schaff & Young, PC	C395C7356723